REMARKS

The present Amendment is in response to the Office Action mailed June 13, 2007. Claims 42-48 are withdrawn and claims 1, 4, 6, 9, 19, 31, and 37 have been amended. Claims 1-41 remain pending.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks.

Interview

Applicants thank the Examiner for conducting an interview with Applicants' representative on September 26, 2007. This response includes the substance of the interview.

Rejections Under 35 U.S.C. § 103

Claims 1-16 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0080925 (*Tokunaga*) in view of U.S. Patent Publication No. 2002/0176546 (*Dietz*) and further in view of U.S. Patent No. 5,842,123 (*Hamamoto*). Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tokunaga* in view of *Dietz* and further in view of *Hamamoto* and further in view of U.S. Patent No. 7,043,266 (*Chaturvedi*). Claims 19-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dietz* in view of *Hamamoto* and further in view of *Chaturvedi*. Claims 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dietz* in view of *Hamamoto* and further in view of *Chaturvedi* and further in view of U.S. Patent No. 6,665,283 (*Harris*). Claims 31-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dietz* in view of *Harris*. Claims 37-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dietz* in view of *Tokunaga* and further in view of *Hamamoto* and further in view of *Harris*. Applicants respectfully traverse the rejections.

As noted in the Office Action, *Tokunaga* fails to teach or suggest playing back voice data while continuing to receive additional voice data in the buffer. *Dietz* teaches the ability to "dynamically buffer an incoming audio signals when the handset is removed from the ear." *See* ¶[0006]. However, *Dietz* relies on an ear proximity sensor to determine when the audio should be buffered and teaches that the audio data is buffered when "the handset is removed from the ear. *See* ¶[0006]. This suggests that the voice data being buffered occurs after the phone is removed from the ear. In contrast, embodiments of the invention enable a user to selectively playback voice data that occurred before.

These teachings of *Dietz* suggest that the user can only buffer and hear voice data that has not yet been heard by the recipient (i.e., the user takes the phone away from his or her ear and then the voice data is buffered). In contrast, the voice data buffered in claim 1 is not dependent on an ear sensor and allows a user to go back in time to replay the voice data. Advantageously, a user can then listen to a sender again without having to interrupt the sender and ask the sender to repeat the statement.

Buffering data that has not been heard or only after user takes the device away from his or her ear does not teach the limitations of claim 1.

Further, the method of playback in *Dietz* includes "dropping silent intervals and speeding up the playback of the buffered audio signal with a pitch-preserving process". *See* ¶[0006].

As discussed at the interview, claim 1 has been amended to require that the buffered voice data is selectively replayed. For example, the voice of the device user may be skipped while the voice data of senders is replayed. Selectively replaying only the second voice data, as discussed at the interview, is not taught or suggested by *Dietz*, which only drops silent intervals and speeds up playback.

For at least these reasons, Applicants respectfully submit that claim 1 is patentable over the cited art.

Claim 19 has been amended to clarify that the functions on the device enable the recipient to alter how the buffered voice data is replayed. The provided functions include both jumping to real time when the recipient begins talking and jumping to real time when the recipient requests a floor. In other words, claim 19 requires providing a

function that jumps from playing buffered voice data to real-time voice data when the recipient begins talking and when the recipient requests the floor.

The Office Action acknowledges that *Dietz* fails to teach or suggest functions to alter the speed of playback and using the mobile phone in network based instant connect calls. The Office Action then suggests that *Hamamoto* and *Chaturvedi* remedy these deficiencies.

As discussed at the interview, *Hamamoto* is cited as disclosing a switch to alter the playback speed, but there is no teaching about providing functions as required in claim 19. More specifically, *Hamamoto* is directed to a system with a voice transfer function for transmitting a voice message input from an ordinary telephone to a small receive-only unsophisticated radio pager. *See* abstract. A voice transfer function to a receive-only radio pager does not teach or suggest that a recipient can jump back to real time voice data. In fact, the requirement of jumping to real time voice data when the recipient begins talking does not seem possible with a receive-only pager because the pager does not transmit. *Chaturvedi* was cited as teaching a push to talk mode and the Office Action has not established that *Chaturvedi* teaches providing the functions required by claim 19, including jumping to the real time voice data (from the replaying buffered voice data) when the recipient begins talking and jumping to the real time voice data when the recipient requests a floor.

For at least these reasons and as discussed at the interview, Applicants respectfully submit that claim 19 is not taught or suggested by the cited art.

Claim 31 has been amended, as discussed at the interview, to reflect that the buffered data includes real-time voice data from at least one sender included in the instant connect call. Claim 31 has been further amended to reflect that the identify of the at least one sender associated with the portion of the buffered voice data being replayed is displayed.

Neither *Dietz* or *Harris* teach displaying an identify of the at least one sender associated with the portion of the buffered voice data being replayed. *Dietz*, as discussed previously, is directed to using an ear proximity sensor to dynamically buffer an incoming audio signal when the handset is removed from the ear and thus fails to teach the requirement of claim 31. *Harris* fails to disclose displaying an identify of the at

least one sender associated with the portion of the buffered voice data being replayed as required by claim 31 and instead relates to transmitting data in a packet data communication system.

Claim 36 has amended similarly to claim 31 to require a display that displays a status of the replayed voice data, the status including at least an identity of a sender corresponding to the buffered voice data being replayed. The cited art of *Dietz*, *Tokunaga*, and *Hamamoto* fail to disclose or suggest these requirements, among others as discussed herein.

For at least these reasons, Applicants respectfully submits that claims 31 and 37 are patentable over the cited art.

Because claims 1, 19, 31 and 37 are believed to be allowable for at least the reasons enumerated herein and as discussed at the interview, Applicant respectfully submits that the pending dependent claims are allowable for at least the same reasons.

Conclusion

In view of the foregoing and as tentatively agreed to at the Interview, Applicant believes the claims as amended and presented herein are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 15th day of October 2007.

Respectfully submitted,

/Carl T. Reed/ Reg. #45454
CARL T. REED

Registration No. 45,454
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800

W:\15814\16\MJW0000001446V001.doc